

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, et al.,

Plaintiffs,

NEW YORK IMMIGRATION
COALITION, et al.,

Consolidated Plaintiffs

v.

UNITED STATES DEPARTMENT OF
COMMERCE, et al.,

Defendants.

Civil Action No. 1:18-cv-2921-JMF

DECLARATION OF SAMER E. KHALAF

I, Samer E. Khalaf, pursuant to the provisions of 28 U.S.C. § 1746, declare under penalty of perjury that the foregoing is true and correct:

1. I am the National President of the American-Arab Anti-Discrimination Committee (“ADC”) and ADC Research Institute (“ADCRI”). My responsibilities include overseeing all of the work of both organizations, and leading our efforts regarding the 2020 Decennial Census.

2. Based on my knowledge as a leader in the Arab-American community, ADC and ADCRI’s community outreach work, and my interactions with individual ADC members, I believe the addition of a citizenship question to the 2020 Decennial Census short-form questionnaire will deter participation of many individuals in the Arab-American community and result in a disproportionate undercount of Arab Americans. As a result of the decision to add this question, ADC and ADCRI have diverted and will continue to be required to divert resources

from core organizational priorities to additional, remedial outreach to counteract the citizenship question's negative effect on Census response rates in our community.

3. This undercount will also injure many ADC members, many of whom live in areas of the United States in which immigrants of color and other communities of color exceed national and state averages. Specifically, they will be harmed because the disproportionate undercount that will result from the citizenship question among immigrants of color will diminish their political power relative to other parts of their states as well as the amount of Census-related funding those areas receive for key programs, services, and facilities that our members and their communities use.

I. Background on ADC and ADCRI

A. ADC and ADCRI's Mission and Activities

4. Senator James G. Abourezk founded ADC in 1980. As the first Arab American to serve in the United States Senate, Abourezk founded ADC in response to stereotyping, defamation, and discrimination directed against Americans of Arab origin.

5. In 1981, Senator Abourezk founded ADCRI. It is a corporation exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. The Institute sponsors a wide range of programs on behalf of Arab Americans and of consequence to the wider American community.

6. ADC is a civil rights membership organization that is committed to defending and promoting the rights and liberties of Arab Americans and other persons of Arab heritage. In fact, ADC is the largest American-Arab grassroots civil rights organization in the United States.

7. ADC's mission focuses on combating stereotypes and discrimination against and affecting the Arab-American community in the United States and serving as its public voice for

on domestic and foreign policy issues, as well as educating the American public in order to promote greater understanding of Arab history and culture. ADC advocates, educates, and organizes to defend and promote human rights and civil liberties of Arab Americans and other persons of Arab heritage, from recent immigrants to citizens born in the United States.

8. ADC has several thousand members who reside in all 50 states and the District of Columbia. Many of these members are active in ADC's 28 local chapters, which are located in 20 states and the District of Columbia. These include active chapters with members leading local efforts, including in Tucson and Phoenix, Arizona; Los Angeles and Orange County, California; Miami and Orlando, Florida; New York, New York; and Austin and Dallas, Texas.

9. ADC focuses its legal advocacy efforts on issues that have a large impact on the Arab American community, which includes employment discrimination, education discrimination, and immigration. The Legal Department has continued its efforts to work with established coalitions and build new partnerships with other minority groups on issues of mutual interest. Furthermore, the Legal Department maintains a strong relationship with government agencies to ensure that the diverse voices of the Arab American community are heard by key decision-makers in American government.

10. ADCRI's programs train Arab Americans in the exercise of their constitutional rights as citizens. They include research studies and publications, seminars, and conferences, which document and analyze the discrimination faced by Arab Americans in the workplace, schools, media and government agencies. They also promote a better understanding of the rich Arab cultural heritage by the public, policy makers, and the new generations of Arab Americans.

11. A major activity of ADCRI is the Anthony Shadid Internship Program, which annually brings undergraduate, graduate, and law students to Washington for hands-on

experience in the Nation's capital. The program provides them the opportunity to learn about issues confronting Arab Americans, to develop effective leadership skills, to gain experience in research and writing, and to develop greater knowledge and understanding of the complexities of the U.S. government and our political process.

12. ADCRI programs include the publication and distribution of educational materials to Arab Americans, educators, academic institutions, policy makers, and the public at large. The Institute has in the past and will continue to foster intergroup harmony in American society, the entry of Arab Americans into the mainstream of American life and leadership, and the abolition of prejudice, stereotyping, defamation, hate crimes, and violence directed at the Arab American and Muslim communities.

B. ADC and ADCRI's History of Census-Related Work

13. ADC and ADCRI have an ongoing commitment to promoting engagement in the Decennial Census among its members and constituents. Since the 1980s, ADC has served in numerous capacities on the Census Bureau advisory committees. In 2000, ADC reinvigorated its census campaign and policy initiatives, actively educating Arab Americans and other minority populations about the importance of the census and mobilizing participation and outreach events. In 2008, ADC actively worked with the Census Bureau to identify classification concerns of Arab Americans on the United States census.

14. In the months leading up to and during the 2010 Decennial Census, ADC and ADCRI conducted outreach and engagement work with the Arab-American community concerning census engagement. That work consisted of creating messaging about participating in the Decennial Census that was focused on the Arab-American community including launching a national campaign advocating for the completion of census forms and holding outreach events to

counter concerns of sharing of information with government and law enforcement agencies. ADC and ADCRI also engaged in efforts to “get out the count” in that community as well, including hosting town halls and symposiums in select cities across the country. ADC and ADCRI also produced and published material for distribution which encouraged participation in the 2010 Census, and highlighted its importance. ADC also served on the U.S. Census Bureau’s 2010 Census Advisory Committee.

II. Organizational Harm to ADC and ADCRI as a Result of the Citizenship Question

15. Because of the importance of having Arab Americans accurately counted in the 2020 decennial census, ADC and ADCRI had already begun preparations for outreach to the Arab-American community before the announcement of a citizenship question. Specifically, in 2017, ADC and ADCRI had begun focusing on educating community members about the Decennial Census and its importance. The announcement in late March 2018 that the 2020 Decennial Census would include a citizenship question, however, changed the plans of both ADC and ADCRI.

16. As described below, the decision stoked and continues to stoke tremendous fear in the Arab-American community and threatens to lower response rates and increase the undercount of our community. As a result, this decision has harmed part of ADC and ADCRI’s organizational missions and forced them to divert resources from other programmatic attempts to ameliorate some of the citizenship question’s impact.

A. Fear in the Arab-American Community Due to the Citizenship Question and its Impact

17. For a number of reasons, the Arab-American community has traditionally been significantly undercounted in the decennial census. Because of this, before the announcement of the citizenship question, ADC and ADCRI already saw a need to conduct census outreach.

Additionally, some outreach was already planned because of ADC members' and the Arab-American community's heightened fear of interacting with government workers due in part to the Trump Administration's persistently hostile and discriminatory actions and attitudes towards Arab Americans, Muslim Americans, and immigrants of color generally.

18. Those fears, however, and the risk of an even greater undercount in the Arab-American community, have already been greatly exacerbated by the Administration's announcement that it will add a citizenship question and will be further exacerbated if the citizenship question is ultimately included in the 2020 Census. This fear is not unique to undocumented immigrants or non-citizens with documented legal status, but also to family and household members of non-citizens and their friends and neighbors, who have expressed concern that participating in the Census might endanger their loved ones.

19. Specifically, I know based on interactions with ADC members and people in the communities they serve that some Arab Americans would be fearful of responding and may not respond to the Census questionnaire if the citizenship question is added. ADC hosted different town hall events throughout the country, and Census 2020 was covered. I learned from those sessions that many community members fear the addition of the citizenship question and are unwilling to participate in the 2020 Census out of the fear deriving from the citizenship question.

20. For example, even in Dearborn, Michigan, which has the highest concentration of Arab Americans in the United States, many community members fear responding to the Decennial Census because of the existence of the citizenship question and the improper purposes for which they believe it might be used against them and their neighbors. Even with outreach from ADC and active leaders in the organization such as Amer Zahr in Dearborn, many in that community are not able to be persuaded to participate in the 2020 Census largely because of the

citizenship question. From ADC events held at a number of locations throughout the country; interactions with individual ADC members; our various “Know Your Rights” seminars in several locations including Dearborn, Buffalo, Queens, Brooklyn, and Minnesota; and information gained at our 2018 National Convention, I am aware of similar concerns among community members in New York, Texas, Michigan, and California.

21. Specifically, Arab American communities fear that the citizenship question will cause community targeting by ICE and DHS. Community members fear that the citizenship census data would be utilized for deportation and government surveillance purposes. Similarly to how the Census Bureau utilized its data to help the government round up Japanese Americans into internment camps during World War II, Arab Americans fear that the Census Bureau would report areas with high concentrations of noncitizen Arab Americans to the government for the purposes of deportation, censorship, and surveillance. In areas like Dearborn or Orange County, California, which contain high concentrations of Arab Americans, there is a fear that the citizenship question would lead to irreversible DHS targeting of the community.

22. After meeting with community members across the country, it is clear that—due in significant part to the citizenship question and the context in which this Administration added it—the community fears that census participation will result in loss of citizenship, revocation of LPR status, or the broadening of Presidential Proclamation 9645, which implemented the travel ban on several Arab- and Muslim-majority countries. The community is hesitant to participate in the Census due to the citizenship question and the possible effects it can have on the immigration status of individuals, families, friends, and other community members.

B. Harm to ADC and ADCRI from the Citizenship Question

23. The fear and likelihood of higher non-participation in the Decennial Census by Arab Americans due to the announcement of the citizenship question and the ultimate presence

of the question on the Decennial Census questionnaire has harmed the ability of ADC and ADCRI to carry out key aspects of their missions. It has also forced them to divert resources from other programmatic areas to try to encourage Arab Americans to participate.

24. Despite these efforts, ADC is already facing a much more challenging environment for conducting outreach and encouraging Arab Americans, both citizens and noncitizens, to respond to the 2020 Census than the 2010 Census. Because of the heightened fear and suspicion created by the citizenship question, ADC has recognized the need to expand upon the census-related services, programming, and support it had already to try to reduce the negative effect of this question on the response rate in the Arab-American community.

25. The citizenship question has posed greater challenges for ADC and ADCRI to engage with the Arab American community on Census 2020 related matters. In 2010, and prior Census outreach efforts, ADC and ADCRI found it easier to work with the community on pushing the importance of Census participation. The citizenship question adds a new dynamic of fear and uncertainty. Additional outreach, meetings, and informational sessions are being planned and implemented in an effort to answer questions and address concerns. This year, ADC and ADCRI will hold focus groups to test messaging about Decennial Census participation and will follow up with polling afterwards. As the Decennial Census draws nearer, ADC and ADCRI will conduct training for census enumerators, run advertisements encouraging participation, and hold a strategy symposium, among other activities. ADC and ADCRI will also host community symposiums across the country in an effort to address concerns and answer questions. In addition, ADC and ADCRI will be working with coalition partners on issues of mutual concern relating to the 2020 Census, including the citizenship question.

26. Specifically, ADC and ADCRI have put additional resources toward a number of census-related efforts in large part because of the need to try to counteract the expected effects of the citizenship question on Arab Americans. As one example, on October 12, 2018, as part of its annual National Convention, ADC hosted a panel titled: “We Count Too! A Look at the 2020 Census.” *See* PX-251.30. One of the primary purposes of, and topics covered during, that Panel was the addition of the citizenship question to the Decennial census form. In addition to offering their own thoughts about the citizenship question, the three panelists fielded questions from ADC members in the audience that reflected fears and concerns about the role of this question on the census.

27. ADC and ADCRI have also put an increased amount of time and effort into work with members of multiple coalitions to address the likely impact of the citizenship question, including the Leadership Conference on Civil and Human Rights and the Funders’ Committee for Civic Participation’s Census Initiative 2020. This work includes advocacy on Capitol Hill, with the Census Department, Commerce Department, and the Office of Management and Budget. Additionally, we have worked to put together new strategies to educate and communicate with our community.

28. ADC and ADCRI expects that they will need to interact with its constituents multiple times to answer questions and try to convince them to participate in the 2020 census, spending more resources to reach the same number of people. Despite this, they expect that it will be less successful in convincing its constituents to participate in the 2020 Census than in 2010 due in large part to the presence of the citizenship question. Collectively, ADC and ADCRI anticipate spending at least \$150,000 more on 2020 Census education and outreach than the

organization spent on its efforts to encourage participation in the 2010 Census as a result largely of the presence of the citizenship question.

29. Because of the need to increase the time and money spent on Census outreach due to the addition of the citizenship question, ADC and ADCRI will need to divert resources from other areas critical to its mission including organizing, issue advocacy efforts and educational initiatives. ADC and ADCRI have already diverted resources from these other areas in order to address concerns from their constituents stemming from the announcement of the citizenship question. As the largest Department in ADC, resources will be diverted from legal work to Census related matters. The diverting of resources means ADC will have less money to use towards assisting victims of hate crimes, and providing pro bono legal services. The ADC Legal Department is pro bono, thus the resources committed to the department are essential in providing services to community members across the country.

III. Associational Harm to ADC through Harm to its Members as a Result of the Citizenship Question

30. ADC has members in all 50 states plus Washington, DC, as well as a national network of chapters.

31. ADC has a national network of chapters with members in all 50 states. PX-252. ADC has Board of Directors, most of whom membership elects, and all of whom are also ADC members and represent a cross-section of the United States, including: Los Angeles County, California (Dr. Souhail Toubia and Dr. Diane Shammas); San Diego, California (George Majeed Khoury); Brooklyn, New York (Dr. Debbie AlMontaser); Miami, Florida (Shatha Atiya); Washington, DC (Dr. Safa Rifka and Dr. Doo'a Taha); and Wayne, New Jersey (Abed Awad), among other cities and states. PX-253.6.

32. ADC also has 28 local chapters, which are located in 20 states and the District of Columbia. These include active chapters with members leading local efforts, including in Tucson and Phoenix, Arizona, Los Angeles and Orange County, California, Miami and Orlando, Florida, New York, New York, and Austin and Dallas, Texas.

33. For example, ADC member and Austin, Texas chapter President Ahmad Zamer has helped reinvigorate the Austin Chapter in recent years. In 2016 and 2017, the Austin chapter held a number of events, including a “know your rights” event, film screening, gala, and Iftar dinner for Austin’s Arab, Muslim, and Latino communities. PX-251.38, 39. Similarly, ADC has several active California chapters with dozens of members. The Orange County and San Diego chapters hosted a number of events, including a refugee empowerment event, a letter-writing event, and a memorial banquet. PX-251.38, 40.

34. These documents, as well as my personal knowledge, establish that ADC has members in all fifty states plus the District of Columbia. I have personal knowledge of each of these documents and attest to their authenticity.

35. Many of ADC’s dues-paying members reside in states and localities in which the percentage of immigrants of color exceeds state and national averages. This includes: 172 in Arizona; 1,441 in California; 1,296 in D.C.; 551 in Florida; 437 in Illinois; 612 in Maryland; 819 in New York; 341 in Ohio; 1,341 in Pennsylvania; 30 in Rhode Island; 408 in Texas; and 186 in Washington State. In terms of local communities, ADC has members in communities with large concentrations of Arab-Americans such as Wayne County, Michigan, and Orange County, California, as well as communities with large Latino and noncitizen populations, including New York, New York, Los Angeles County, California, Houston, Texas, Miami, Florida, Prince George’s County, Maryland, Phoenix, Arizona, and Chicago, Illinois. A disproportionate

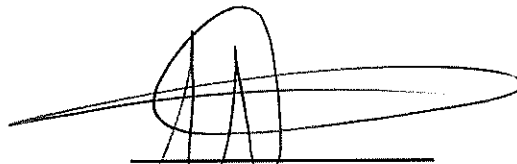
undercount of those populations will deprive ADC members in those states and communities of political power by diluting the amount of state and congressional representatives to their areas.

36. ADC members across the nation rely on a number of facilities and services whose funding allocation relates to population and demographic data derived from the Decennial Census including parents with children enrolled in schools that receive funding under Title I of the Elementary and Secondary Education Act and drivers who use interstate highways and mass transit on a daily basis and thus depend on federal funds to perform their jobs.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: October 26, 2018

Washington, DC



Samer E. Khalaf